

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK**

UNITED STATES OF AMERICA

-against-

PHILIP A. KENNER, *et al.*,

Defendants.

13-cr-0607 (JFB)

**DECLARATION OF JENNIFER BRITT**

Pursuant to 28 U.S.C. § 1746, I, Jennifer Britt, declare as follows:


1. I am a Director, Credit & Asset Management, at Trimont Real Estate Advisers, LLC (“Trimont”). I have been an employee from January 2018 to the present and from February 1999 to December 2015. In my capacity as an employee at Trimont, I have personal knowledge regarding Trimont’s engagement and services as servicer for the loan agreement between, initially Lehman Brothers Holdings, Inc. (“Lehman”, and then later, Danske Bank A/S, London Branch (“Danske”) and Diamante Cabo San Lucas S. De R.L. De C.V. (the “DCSL Loan”).

2. I understand from Danske’s outside counsel that Danske has provided the United States government certain documents purporting to be Trimont invoices and statements relating to the DCSL Loan. Because the underlying records are in some cases over 11 years old and Trimont ceased being servicer in 2016, to my knowledge, Trimont does not maintain these records anymore. Nevertheless, the documents submitted by Danske as Trimont invoices and statements, which are attached hereto as Exhibits A, B, C, and D, appear to be records that Trimont created and provided in the course of Trimont’s engagement as servicer of the DCSL Loan and are records that Trimont would have maintained in the regular course and scope of Trimont’s business and

that would have been created at the time of or within a reasonable amount of time after the act, transaction, occurrence or event to which it relates.

In accordance with 28 U.S.C. § 1746 and Local Rule 1.9, I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed this 6<sup>TH</sup> day of October, 2020, at Palm Desert, California

  
Jennifer Britt